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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

	TENT COOPERA	TION TREA	ATY	PCT/JP2003/008	
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ans internati	ONAL PRELIMINAL	RY EXAMINA	ATION REPORT		
,	(PCT Article 36	and Rule 70	ec'd PCT/PTG	29 DEC 2	
Applicant's or agent's file reference 1496	FOR FURTHER ACTIO	See Notific	cation of Transmitta Examination Report (Fo	of International orm PCT/IPEA/416)	
International application No. PCT/JP2003/008478	International filing date (a 03 July 2003 (03		Priority date (day/mor 03 July 2002	nth/year) (03.07.2002)	
International Patent Classification (IPC) or C07D 317/72, A61K 31/357, A 25/28, 29/00, 31/18, 37/02, 37/0	61P 1/04, 3/10, 9/02, 9/04	, 9/10, 11/02, 11	1/06, 13/12, 17/02, 17	7/06, 25/24,	
Applicant	KYOWA HAKKO KO	GYO CO., LT	D.		
This international preliminary example and is transmitted to the applicant This REPORT consists of a total consists.	according to Article 30.			camining Authority	
amended and are the basis 70.16 and Section 607 of the	nnied by ANNEXES, i.e., she for this report and/or sheets are Administrative Instruction total of she	s under the PCT).	Janons inace service	rings which have bee is Authority (see Rul	
3. This report contains indications re	elating to the following items	:			
I Basis of the repor	t				
II Priority					
III Non-establishmen	nt of opinion with regard to	novelty, inventive	step and industrial appl	icability	
IV Lack of unity of					
V Reasoned statem citations and exp	V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement				
VI Certain documen	its cited				
VII Certain defects in	Cortain defects in the international application				
	ions on the international app	lication			
		7	of this report		
Date of submission of the demand		Date of completion		7 2004)	
25 December 2003 (2	5.12.2003)		02 July 2004 (02.0°	/.2UU 4)	
Name and mailing address of the IPEA	JP	Authorized office	er		
Receimile No		Telephone No.			



Internatio pplication No.

PCT/JP2003/008478

	s of the re						
1. With	n regard to	the elements of the international application:*					
\boxtimes	the inter	national application as originally filed					
同	the desc	ription:					
	pages	, as originally filed					
	pages	, filed with the demand					
	pages	, filed with the letter of					
П	the clai	ms:					
ليبنيا	pages	, as originally filed					
	pages	, as amended (together with any statement under Article 19					
	pages	, mod will all definite					
	pages	, filed with the letter of					
	the dra	wings:					
	pages	, as originally filed					
	pages	, filed with the demand					
	pages	, filed with the letter of					
	the seque	ence listing part of the description:					
	pages	, as originally filed					
	pages	, filed with the demand					
	pages	, filed with the letter of					
. مله	e internatio 1 e se eleme	to the language, all the elements marked above were available or furnished to this Authority in the language in which onal application was filed, unless otherwise indicated under this item. nts were available or furnished to this Authority in the following language which is:					
		nguage of a translation furnished for the purposes of international search (under Rule 23.1(b)).					
	the la	nguage of publication of the international application (under Rule 48.3(b)).					
	or 55						
3. W	3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the internation preliminary examination was carried out on the basis of the sequence listing:						
[conta	ined in the international application in written form.					
	filed together with the international application in computer readable form.						
	furni	shed subsequently to this Authority in written form.					
ا ا	furni	shed subsequently to this Authority in computer readable form.					
	inter	statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the national application as filed has been furnished.					
		statement that the information recorded in computer readable form is identical to the written sequence listing has furnished.					
4. [The	amendments have resulted in the cancellation of:					
		the description, pages					
		the claims, Nos.					
		the drawings, sheets/fig					
5. [This beyo	report has been established as if (some of) the amendments had not been made, since they have been considered to go not the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**					
i	Replaceme n this rep and 70.17)	nt sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to Fort as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16					
**/	Any replac	ement sheet containing such amendments must be referred to under item 1 and annexed to this report.					

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

In response to the invitation to restrict or pay additional fees the applicant bas: restricted the claims. paid additional fees. paid additional fees under protest. neither restricted nor paid additional fees. paid additional fees under protest. neither restricted nor paid additional fees.	IV. Lack of unity of invention				
paid additional fees. paid additional fees under protest. neither restricted nor paid additional fees. 2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees. 3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is complied with. Not complied with for the following reasons: See supplemental sheet 4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:	1. In response to the invitation to restrict or pay additional fees the applicant has:				
paid additional fees under protest. neither restricted nor paid additional fees. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is complied with. not complied with for the following reasons: See supplemental sheet	restricted the claims.				
Neither restricted nor paid additional fees.	paid additional fees.				
This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is complied with. not complied with for the following reasons: See supplemental sheet 4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:	paid additional fees under protest.				
all parts. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is complied with. □ complied with for the following reasons: See supplemental sheet 4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report: □ all parts.	neither restricted nor paid additional fees.				
complied with. Not complied with for the following reasons: See supplemental sheet 4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report: □ all parts.	2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.				
See supplemental sheet 4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:	3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is				
See supplemental sheet 4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report: all parts.	complied with.				
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:	not complied with for the following reasons:				
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report: all parts.	See supplemental sheet				
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in establishing this report: all parts.	·				
	 Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report: 				
the parts relating to claims Nos	all parts.				
	the parts relating to claims Nos				

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/JP 03/08478

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV. 3.

The claims set forth the following two groups of inventions.

- (1) The inventions set forth in claims 1-8, of a process for producing compounds represented by formula (VII) from a compound represented by formula (V).
- (2) The inventions set forth in claims 9-11, of a process for producing compounds represented by formula(II) from a compound represented by formula (I).

The inventions in (1) and the inventions in (2) above do not have a common technical feature, and cannot be said to constitute a group of inventions so linked as to form a single general inventive concept.

INTERNATIONAL PRELIMINATION REPORT

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Internation	plication No.
PCT/JP	03/08478

v	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
۷٠	citations and explanations supporting such statement

	Citations and separate			
1.	Statement			
ı	Novelty (N)	Claims	1, 6-8	YES
	Novely (17)	Claims	2-5	NO
Inventive step (IS)	— Claims	1, 6-8	YES	
	Claims	2-5	МО	
	Industrial applicability (IA)	Claims	1-8	YES
	mutatial applications (2.1)	Claims		NO

Citations and explanations

The following document is cited in the international search report.

Document 1: EP 0771794 A1

Document 1 discloses a process for producing 1,3-benzodioxole-4-(aromatic substituted)methyl-2-spiro-cycloalkanes by reacting a (1,3-benzodioxole-2-spiro-cycloalkane)-4-carboxylic acid ester with a methyl-substituted aromatic compound. Therefore, the novelty and inventive step of the production processes claimed in claims 2-5, as stipulated in PCT Article 33(2) and (3), are taken away by the disclosure in document 1.

However, document 1 does not disclose a production process claimed in claims 1 and 6-8, which is a process for producing 1,3-benzodioxole-2-spirocycloalkane derivatives which includes a step wherein a 2,3-dihydroxybenzoic acid derivative is reacted with a cycloalkene derivative. Moreover, by adopting an aforementioned step, the process for producing 1,3-benzodioxole-2-spirocycloalkane derivatives as set forth in claims 1 and 6-8 offers the marked advantageous effect that isolation and purification of the intermediates is easy, since it does

not involve intermediates which are oils and are difficult to handle, and this advantage is not obvious to a person skilled in the art, even when general knowledge of the art is considered. Therefore, process for producing 1,3-benzodioxole-2-spirocycloalkane derivatives as set forth in claims 1 and 6-8 is novel and involves an inventive step as stipulated in PCT Article 33(2) and (3).

Rec'd PCT/PTO 29 DFC 2004

特 許 協 力 条 ※

PCT.

REC'D 29 JUL 2004

WIPO PCT

国際予備審査報告

(法第12条、法施行規則第56条) [PCT36条及びPCT規則70]

	出願人又は代理人							
	の書類記号 1496	今後の手続き	については、	国際予備審査	報告の送付通知 (1 6) を参照する	様式PC	T/	
	国際出願番号	国際出願日			優先日			_
	PCT/JP03/08478		03.07.		(日.月.年) 0	3. 07.	2002	
	国際特許分類(IPC)Int. Cl. 'C07D317/72, A61K31/357, A61P1/04, 3/10, 9/02, 9/04, 9/10, 11/02, 13/12, 17/02, 17/25/24, 25/28, 29/00, 31/18, 37/02, 37/08, 43/00, C07C51/377, 65/21, 65/03							_
.	出願人 (氏名又は名称) 協和醗酵工業株式会社					 .		_
ſ	Total rate are Administrative							_
	1. 国際予備審査機関が作成したこの国	際予備審査報告	を法施行規	則第57条(P C	T36条)の規定	に従い送	 ∳付する。	_
	2. この国際予備審査報告は、この表紙				からなる。			
	この国際予備審査報告には、附 査機関に対してした訂正を含む (PCT規則70.16及びPCTま この附属審類は、全部で	施細則第607	補正されて、 範囲及び/) 7 号参照) である。	この報告の基 又は図面も添付	礎とされた及び/ されている。	又はこの)国際予備審	:
	3. この国際予備審査報告は、次の内容	を含む。						\forall
	I × 国際予備審査報告の基礎			٠.				
	Ⅱ □ 優先権				,			
	Ⅲ 新規性、進歩性又は産業上	の利用可能性に	ついての国	際予備 案本却生	の て 版中			
	IV X 発明の単一性の欠如	•	,	201 加州山村口	OJ小TFAX			
	V X PCT35条(2)に規定する新規性、進歩性又は産業上の利用可能性についての見解、それを裏付けるための文献及び説明Ⅵ						寸けるため	
	VII 国際出願の不備					•		
	Ⅷ □ 国際出願に対する意見							
	•		,	•				
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国								
	25. 12. 2003	,	国際予備署	辞査報告を作成 02.07.	した日 2004			
名和	称及びあて先 日本国特許庁 (IPEA/JP)	•	特許庁審査	E官(権限のあ	 る職員)	4 P	9738	
	郵便番号100-8915			名部 拓也				
	東京都千代田区霞が関三丁目4番3月	3.	}					
			也的街方	03-358	1-1101 内	泉 34	9 2	

様式PCT/IPEA/409 (表紙) (1998年7月)



国際出願番号 PCT/JP03/08478

I. 国際予備審査報告の基礎	
1. この国際予備審査報告は下記の出願書類に基づいて作成され 応答するために提出された差し替え用紙は、この報告書によ PCT規則70.16,70.17)	れた。 (法第6条 (PCT14条) の規定に基づく命令に さいて「出願時」とし、本報告書には孫付しない。
明細書 第 ページ、 明細書 第 ページ、 明細書 第 ページ、	出願時に提出されたもの 国際予備審査の請求書と共に提出されたもの 付の書簡と共に提出されたもの
請求の範囲 第 項、	出願時に提出されたもの PCT19条の規定に基づき補正されたもの 国際予備審査の請求書と共に提出されたもの 付の書簡と共に提出されたもの
図面 第 ページ/図、 図面 第 ページ/図、 図面 第 ページ/図、	出願時に提出されたもの 国際予備審査の請求書と共に提出されたもの 付の書簡と共に提出されたもの
明細書の配列表の部分第 ページ、明細書の配列表の部分第 ページ、	THE STATE OF THE S
2. 上記の出願書類の言語は、下記に示す場合を除くほか、この 上記の書類は、下記の言語である 語である	
□ 国際調査のために提出されたPCT規則23.1(b)にいう □ PCT規則48.3(b)にいう国際公開の言語 □ 国際予備審査のために提出されたPCT規則55.2またに	翻訳文の言語
3. この国際出願は、ヌクレオチド又はアミノ酸配列を含んでお	り、次の配列表に基づき国際予備審査報告を行った。
□ この国際出願に含まれる書面による配列表 □ この国際出願と共に提出された磁気ディスクによる配列 □ 出願後に、この国際予備審査(または調査)機関に提出 □ 出願後に、この国際予備審査(または調査)機関に提出 □ 出願後に提出した書面による配列表が出願時における国	された啓面による配列表 された磁気ディスクによる配列表
書の提出があった □ 書面による配列表に記載した配列と磁気ディスクによるがあった。	
4. 補正により、下記の售類が削除された。	ページ 項 ページ/図
5. この国際予備審査報告は、補充欄に示したように、補正が れるので、その補正がされなかったものとして作成した。(記1. における判断の際に考慮しなければならず、本報告に	P C 不規則 70 9/a) との地でもみょせい #* * m *** * *

国際予備審査報告

国際出願番号 PCT/JP03/08478

IV. 発明の単一性の欠如	
1. 請求の範囲の減縮又は追加手数料の納付の求めに対して、出願人は、	
間求の範囲を減縮した。	
□ 追加手数料を納付した。	
□ 追加手数料の納付と共に異議を申立てた。	
X 請求の範囲の減縮も、追加手数料の納付もしなかった。	
2. 国際予備審査機関は、次の理由により発明の単一性の要件を満たしていないと判断したが、PCに従い、請求の範囲の減縮及び追加手数料の納付を出願人に求めないこととした。	: T規則68. 1の規定
3. 国際予備審査機関は、PCT規則13.1、13.2及び13.3に規定する発明の単一性を次のように判断す	 ·る。
満足する。	
図 以下の理由により満足しない。	
請求の範囲には、次の2つの発明が記載されている。	
(1) 請求の範囲1-8に記載された式(V) の化合物から(VII) る化合物を製造する方法の発明 (2) 請求の範囲9-11に記載された式(I) の化合物から(II) る化合物を製造する方法の発明	
上記(1)の発明と(2)の発明とは、共通の技術的特徴を有さず、 般的発明概念を形成するように連関する一群の発明であるとはいえない。	単一の一
	•
1. したがって、この国際予備審査報告書を作成するに際して、国際出願の次の部分を、国際予備審査の	つが色にした
すべての部分	-V18KIC 0/C0
X	に関する部分

国際予備審査報告

国際出願番号 PCT/JP03/08478

V	新規性、進歩性又は産業上の系 文献及び説明	川用可能性について	の法第12条	(PCT,35条(2))	に定める見解、	それを裏付ける	,
1.	見解						
	新規性(N)	請求の範囲 <u>1</u> 請求の範囲 <u>2</u>	, 6-8 2-5				
	進歩性(IS)	請求の範囲 <u>1</u> 請求の範囲 <u>2</u>					
	産業上の利用可能性 (IA)	請求の範囲 <u>1</u> 請求の範囲 _	. – 8				

2. 文献及び説明 (PCT規則70.7)

国際調査報告には、以下の文献が示されている。

文献 1 / EP 0771794 A1

文献1には、(1,3-ベングジオキソールー2ースピロシクロアルカン)ー4ーカルボン酸のエステルを、メチル置換芳香族化合物と反応させて、1,3-ベングジオキソールー4ー芳香環置換メチルー2ースピロシクロアルカンを製造する方法が記載されている。したがって、請求の範囲2-5に記載された製造方法は、文献1の記載により、PCT第33条(2)および(3)に規定する新規性および進歩性を否定される。

一方、請求の範囲1、6-8に記載された製造方法のように、1,3-ベンゾジオキソールー2ースピロシクロアルカン誘導体の製造方法であって、2,3-ジヒドロキシ安息香酸誘導体をシクロアルケン誘導体と反応させる工程を含む方法は、文献1に記載されていない。また、請求の範囲1,6-8に記載された1,3-ベンゾジオキソールー2ースピロシクロアルカン誘導体の製造方法は、上記工程を採用したことにより、油状で扱いにくい中間体を経由しないので、中間体の単離・精製が容易であるという顕著な効果を奏するものであって、このことは、技術常識を考慮しても当業者に自明ではない。したがって、請求の範囲1、6-8に記載された1,3-ベンゾジオキソールー2ースピロシクロアルカン誘導体の製造方法は、PCT第33条(2)および(3)に規定する新規性および進歩性を有する。

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